

Reapportionment.

The amendments to the State Constitution which were ratified by the people in November last promise to afford to the Legislature a topic for endless discussion and contention. Opinions differ as to whether this is or is not the first session under the amended Constitution, and as to whether a reapportionment of senators and delegates to go into operation this year, can or cannot be made during the present session. There have been many speeches made in the two houses on each of these questions. The House of Delegates has already voted by a large majority that this is the first session under the amendment; and the Senate will to-day vote upon the same question. Considering that this is the same Legislature which passed the act providing for the submission of the amendment to the people, it is rather amusing that otherwise to witness the conflict of opinion upon the points to which we have herein referred.

The language of the Constitution is, "No session of the General Assembly, after the first under this amendment, shall continue longer than ninety days unless," &c. The amendment spoken of was ratified by the people in due form last November. The Governor thereupon issued his proclamation declaring that it had been so ratified. Article xii. of the Constitution, under which it was proposed for ratification, provides that the proposed amendment when so ratified "shall become part of the Constitution." The amendment is therefore unquestionably already "a part of the Constitution." If, then, the present session of the General Assembly be not "the first under this amendment," it follows that the language of the Constitution is at fault, and should have been: "No session of the General Assembly, after the first under the apportionment provided for in this amendment, shall continue longer than ninety days unless," &c. Certainly the present session is "the first under this amendment." There can be no doubt about that. The Legislature may have meant to use the language above quoted, but it did not do so.

The words, "the first session under this amendment," are in the same article of the Constitution which gives to the Legislature the power to remove the disabilities of delinquents. That power has been exercised by both houses "under this amendment." It would be a little singular if they could convince the public that another portion of the article is in force and another portion is not. If the whole Constitution had been changed last fall, and the language were "the first session under this Constitution," no one would doubt that this was the first session so alluded to. The doubt has arisen only because part of the Constitution is new. Yet we cannot see but that the language as it stands is exactly the same in effect as if it were "No session of the General Assembly, after the first under this Constitution as amended, shall continue longer than ninety days unless," &c. Surely this last language expresses precisely what the language used in the amendment expresses. If so, the present session of the General Assembly must be "the first under this amendment." It may, therefore, extend till next October unless previously the two houses adjourn sine die.

But the question of apportionment is a different one. The Constitution in terms prescribes that the two houses shall consist of not more than so many members "from and after the Tuesday succeeding the first Monday in November, 1877." Ordinarily a State Legislature has power to do whatever is not forbidden to be done by the Constitution itself; but in the case before us a new rule seems to apply. When the Constitution provides that a voter must be twenty-one years old it does not in terms prohibit the Legislature from providing by law that the voter must be twenty-five years old. Yet no Legislature has ever exercised such a power; and if a Legislature were to pass such an act the courts would pronounce it unconstitutional. Why? Because *expressio unius, &c.* Because the providing that a voter shall be twenty-one years old is tantamount to providing that he need not be older to be a lawful voter. So in the case before us, although the providing that the House shall consist of not more than one hundred members after November, 1877, is not exactly the same thing as providing that it shall consist of the present number until that time, it is so nearly tantamount to such a provision that we should certainly give the benefit of the doubt to the present number.

What then? There is no difficulty in reconciling the two provisions which we are discussing. The apportionment can be made at the present session, to take effect at the time named in the Constitution, and the present may also be decided to be the first session of the General Assembly under the amended Constitution. There are reasons why the present General Assembly should apportion the senators and delegates under the amendment; but they must be apportioned, as the Constitution requires, "according to population," and not according to the census of 1870.

The Duty of the House.

The Washington Union, after saying that the House of Representatives is bound by law to permit HAYES to be counted in, adds:

But the House has another duty equally imperative to perform. It is to annex to each appropriation bill a proviso against any use of the money now or hereafter appropriated for the purpose of overthrowing or in any way interfering with the lawful governments of South Carolina and Louisiana, and particularly against any use of the army, or navy, or of the United States marshals, in support of the usurped authority of Chamberlain and Packard. Governor Hampton and Governor Nichols ought to be recognized by name as the *de jure* and *de facto* Governors of South Carolina and Louisiana. The Constitution declares that "the United States shall guarantee to every State in the Union a republican form of government," and "shall protect each of them, on application of the Legislature, or of the Executive when the Legislature cannot be convened, against domestic violence." It is the guarantee of the United States, not of the President, whether Grant or Hayes. Grant, it is said, means to leave the responsibility of deciding who are the lawful Governors of these States to the President. We would say that the President has no right to perform its duty. It can do so in the manner we have indicated by compelling the necessary appropriations with such stringent conditions restricting the expenditure of the public money and the use of the army and navy to legitimate constitutional purposes, and expressly forbidding their employment for the purpose of supporting the usurpers, Chamberlain and Packard, and to make any such abuse of the authority and means of the General Government an im-

peachable and indictable offense on the part of the President and of every officer, civil or military, who may be guilty thereof.

Accommodated.

The decision of the Electoral Commission has been thoroughly accommodated by General Grant. The Commission could not find any authority in the Constitution for going behind the State Governor's certificate and the action of a State returning board however infamous. A due regard for the rights of the States forbade the idea that Congress should look too closely into its internal affairs. That was last Friday. Day before yesterday the President found authority in the same Constitution for prohibiting a procession in South Carolina. Oh, the villainous hypocrites; the unprincipled scoundrels. They can find in the charter of our liberties a warrant for appointing ten thousand Federal supervisors to control a State's election and for sending Federal soldiers to overawe the voters, but no authority for preventing shameless frauds, unlimited swindling, and infamous reversals of the declared will of the people. What a glorious Government, to be sure. It is powerful to oppress, but impotent to protect. It covers up sin. It makes an ally of scoundrels and villains. It can find whatever authority it desires for crimes against the people, but none for acts of beneficence and good government.

Canal and Railroad.

The issue presented at this time in the Legislature of Virginia is important to a degree that should cause the representatives of the people of Virginia to reflect most earnestly before taking final action with regard to it.

The question is complicated. The leading canon advocates of the bit of railway tail-piece that is to be welded on to the canal are not understood as considering that it raises the issue: canal or railway? The fact that the James River and Kanawha Canal Company, with its president at its head, is proposing to build and manage the road is circumstantial proof that there is no hostility and no issue between the two modes of improvement. And yet, supposing they are correct, still all practical men must know that the intervention of thirty miles of railway between the present end of the canal and the Chesapeake and Ohio railroad must be tantamount to an absolute obstruction of any useful intercourse between the canal and the Chesapeake and Ohio railway—the through railway line from Virginia tide to the Ohio. Upon the mere ground of practicality the canal company could not reasonably agree to any such obstruction, any efficient intercommunication with the Chesapeake and Ohio railroad such as would be advantageous either to the canal or the through line to the Ohio.

The president of the canal was at one time of opinion that to place out the canal to the through line at Clifton Forge with thirty miles of railway would be fatal to the canal. He has either changed his mind or is so thoroughly convinced of his former assertion that he is ready to inflict the death which he formerly apprehended from the thirty miles of railway.

If the canal is to be valued at all, and to be regarded as a useful artery of transportation, assuredly it should not be crippled by the very absurd and very brief railway to Clifton Forge. There can be no possible justification of such a measure as long as the canal is regarded as at all valuable.

If, however, the advocates of the "tail-piece" are governed by the opinion that the canal is an utter failure and ought to be abandoned, by all means there should be a *fait accompli*. The questions that arise in view of such a decision are too overwhelmingly important to permit of a longer discussion of a measure contemptibly small by comparison with the great subject that is thrown upon the State. That subject is immense. It involves important financial questions for Virginia and questions of great commercial interest to the State and her cities.

The canal, whatever is said of it, is a great property, and has no doubt excited the acquisitive desires of speculators and railroad strategists. Any measure which tends to cripple the canal and increase its embarrassments imperils the property in the canal, and increases the danger that may lose altogether the control of Virginia over it. We know how the railroad strategists have marred our system of railways that cost the people so many millions, until now those who pay taxes to meet the interest on that immense debt behold the chief benefits of those railways thrown into the hands of other States. The poor canal is nearly the last property left to the old Commonwealth. Involve that farther, and unless the Constitution be so amended as to enable Virginia to rescue it, it will follow the other great works built by the people for others' good.

Let us have a little frankness. If the canal is to be abandoned, in God's name let us know it. If it is to be abandoned we are fools to be talking about a contemptible "tail-piece of railway." We must rise to a higher and a wiser view of the situation. We must not allow the ground to be occupied by this "hedger-hog" of a scheme, which will soon practice the artifice of its predecessor, and take possession of the "rabbit's bed." Independent of the business of transportation the canal is rich in its rents. These should be protected. And never should Virginia part with the line except for a work that is itself great, and upon a route entirely in harmony with the State's interest and with the commerce of her own cities. This we boldly declare is a position which the State should assume, and no amount of solicitation and lobbying—no quantity of influence known to these days—should drive her from that position. To desert it would be disastrous to herself and recumbent to the taxpayers, who are now oppressed with burdens incurred for works that have been a perversion to the good and profit of people outside of the State.

If the canal is to be treasured and kept up, we say away with the "tail-piece." We would prefer infinitely that the work should be entrusted to Mason & Co., in whose hands it would not deteriorate, and who would insure the preservation of its integrity and protection by its completion to Clifton Forge, the point of connection with the great railway to the Ohio river. It is difficult to imagine how a truly sagacious and wise man, who does not want the canal abandoned, can doubt for a moment that this is the very best policy for Virginia. But we know that the ablest defender of the water-line in the State of Virginia has declared that he has been convinced that the water-line is a failure unless its width and depth be sufficient for steamboats. He declares that no line of less capacity can compete with railroad transportation, and upon the hypothesis that the James River canal is not to be properly enlarged to enable it to compete with railroads, his opinion is that the State should abandon the canal.

HURRAY FOR MASSACHUSETTS!—On the vote in the House in the matter of the Louisiana decision of the Electoral Commission, it should be noted that seven members of the Massachusetts delegation of eleven recorded their solemn conviction that Hayes had no claim to the votes of Louisiana.

(From the Washington Union, 20th.)
The Republic of Louisiana, sustaining the will of the people.
A telegram from Governor Nichols to Mr. E. A. Burke to-day says:
"People of Louisiana not only refuse to pay taxes to any government but that of which I am the Executive, but have anticipated appointment of tax-collectors and voluntarily paid to agents for use of our government a percentage deemed sufficient for present purposes. Have delayed many appointments of tax-collectors, awaiting legislation reducing present extravagant compensation. Now ready to proceed, and people not only willing but anxious to pay."

What President Hayes Will Do.
In the House of Representatives on Monday, while the counting of the vote was under discussion—
Mr. Foster, of Ohio (who represents the district in which Governor Hayes resides), spoke of the duty of both parties to abide by the decision of the Electoral Commission, and said: "This is not a time for mere party exultation. The exultation of the party which one of the purest and most patriotic of our fellow-citizens is to guide the affairs of this Government for four years to come. Representing, as I do, the district in which Governor Hayes resides, and being a life-long acquaintance with him, I do not believe that one of all persons who know him when I say that his administration will be wise, patriotic, and just. Notwithstanding whatever else may be said to the contrary, here or elsewhere, the people of all sections of the country may confidently expect from him not only fair but generous consideration."

GENERAL ASSEMBLY OF VIRGINIA.

WEDNESDAY, FEBRUARY 21, 1877.

SENATE.

The Senate met at 12 M.—Mr. ELLIOTT in the chair. No prayer.

PRESENTED AND REFERRED.

By Mr. HINTON: Bill providing that attorneys who fail to make return of money or valuables collected in a given time be prevented from practicing.

By Mr. PIERCE: Bill amending the present mechanics' lien law.

By Mr. MOFFETT: Resolution empowering the clerk of the Senate to provide the Wagner gas ventilators (if deemed expedient by him) for the Senate chamber and clerk's office. Agreed to.

PASSED.

Senate bill to authorize John W. Peyton to make lease of certain school property of F. H. Peyton.

Senate bill changing the times of holding circuit courts in the Sixteenth judicial circuit.

Senate bill to amend an act incorporating the New River and Danville railroad.

Senate bill for the relief of Samuel Anderson and others.

CITY EMPLOYEES AS CONTRACTORS.

House bill prohibiting employes of corporations from becoming contractors or furnishers of material for said corporations was taken up, on motion of Mr. HINTON.

Mr. JOHNSON presented an amendment to the bill, which would prohibit employes from becoming contractors, but provides that all contracts shall, before being awarded, be advertised in the press; and when such contracts are given out, such action shall be made publicly, and the names of the bidders made public.

Mr. HINTON moved to amend the bill, so that it should read: "All contracts shall be made publicly, and the names of the bidders made public."

Mr. GAYLE thought well of the substitute, but he wanted the section prohibiting city officials from being contractors embraced in the bill.

EQUITABLE APPORTIONMENT.

Mr. JOHNSON presented a joint resolution directing the Secretary of the Commonwealth to have forwarded to him by the clerks of counties a statement showing the aggregate of the registered voters in such counties, distinguishing white and black; the Superintendent of Public Instruction to cause a full and accurate return to be made to him of the school population of the respective cities, towns, and counties of the State; and the Auditor of Public Accounts to make his settlement with the Auditor of the county until after the 4th of March. Even Speaker Randall favors the amendment of the act of 1872 so as to designate the Secretary of State as President, if, by filibustering, the Democrats can force a new election.

The best elements of the party, however, accept the issue in good faith. True, they bitterly denounce Justice Bradley, but they are confronted with the fact that Democratic and not Republican votes brought about the compromise, and all the instincts of honor demand that they must accept the result, be it what it may.—Washington special—Baltimore American.

(If the House were to filibuster till March 4th, its own term would expire, and it could not elect the President.)

Mr. TILDEN DOES NOT FAVOR DELAY.—Washington, February 20.—(Special to the Baltimore American.)—Four correspondents have information to the effect that Mr. Tilden is averse to the policy of delay, and that as soon as Hayes is inaugurated he will institute proceedings in quo warranto or in *scire facias* by citing Hayes to show cause why he should not vacate the presidential office.

Resolved, In memory of the revered name of Washington, whose virtues and patriotism entitles his memory to be observed especially by the citizens of this State, that when this House adjourns it adjourn to Friday the 23d.

PRESENTED AND REFERRED.

By Mr. LOVETSTEIN: Petition of citizens of Richmond in favor of leasing the canal, with certain reservations of power to re-instate the James River and Kanawha Company.

By Mr. FLOOD: Bill extending the time for W. H. Gil, treasurer of Appomattox county, to make his settlement with the Auditor of Public Accounts.

By Mr. EDMUNDS: Resolution relating to the protection of the Commonwealth in cases of judgment against defaulting officers.

By Mr. DALTON: Bill to amend the act of 18th of March, 1874, in relation to commissioners of the revenue.

By Mr. HOENIGER: Bill to abolish the dog nuisance.

By Mr. P. K. JONES: Bill to incorporate the Mechanics' Friendship Society of Richmond.

ARTIFICIAL LIMBS.

House bill to allow commutation to maimed soldiers in lieu of artificial limbs was taken up and considered. Various amendments were offered, discussed, and disposed of by adoption or rejection.

A motion by Mr. SMITH for a quaker to dismiss the bill was rejected—ayes, 3; noes, 82.

The bill was finally ordered to be engrossed for a third reading.

SENATE BILL PASSED.

To authorize the trustees of the Jacksonville Regular Baptist church, of Floyd county, to borrow money.

MESSAGE FROM THE GOVERNOR.

The SPEAKER laid before the House a message from the Governor of Virginia, Maryland boundary-line adjustment. Ordered to be printed.

THE MOFFETT LIQUOR BILL.—House bill generally known as the Moffett liquor bill came up as the order of the day.

Mr. HURRAY offered an amendment requiring persons licensed under the act to take an oath to observe its provisions. After debate the amendment was agreed to—ayes, 41; noes, 23.

Pending the further consideration of the bill, at 3:30 P. M. the House adjourned.

GARDEN AND FIELD-SEED.

SEED-POTATOES AND OATS, AND all kinds of GARDEN-SEED, at

No. 13 Third street, Richmond, Va.

HOUSEHOLD CONVENIENCES.

A variety of useful articles for sale at the

Friday the 23d, from 12 M. to 4 P. M.

at 23-24, Richmond, Va.

WAGONS, CARTS, &c.

GREAT REDUCTION IN

PRICES OF WAGONS, CARTS, &c.

No. 116 CARLY STREET.—In consequence of the hard times and competition in the market, we have decided to reduce the prices of our wagons, carts, &c., and if those who need anything in my line will come and examine my stock, I promise to sell at a low price. BUCKING, SPRING, DAYS, FARM-WAGONS, and FARM-CARTS, at low prices. Also, a variety of other goods in the city. OLD WORK taken in exchange.

at 2-20-21, Old WORK taken in exchange.

MONTAGUE.

THE SIGN-PAINTER.

No. 5 south Tenth street.

(Between 12th and 13th)

NATIONAL BANK OF VIRGINIA.

RICHMOND, VA., February 20, 1877.

THIS BANK WILL BE CLOSED TO

DEPOSITORS ON THURSDAY the twenty-second

(22nd) day of February, all persons having paper

maturing on that day, will please attend to their

business on the 21st instant.

J. W. LOCKWOOD,

Cashier.

MARRIAGES.
Married at the residence of the bride's father, Barwell Jones, February 20, 1877, by Rev. H. G. Crews, JAMES H. MARTIN and CORA H. JONES.
Married, February 20th, by Rev. George S. Booker, Mr. THOMAS F. PENN and Miss MARTHA J. GREER. Private arrangements are observed.

DEATHS.
Died, at 7 o'clock Wednesday morning, February 21st, Mrs. C. C. LUTHER, in the seventy-sixth year of her age.
Her funeral will take place from the residence of her son-in-law, A. McAnley, No. 1900 Pleasant street, between 3 and 4 o'clock P. M. This day (Thursday) February 22nd, at 2 o'clock.

Died, in Manchester, on the 21st instant, at 9 o'clock A. M., at the residence of her husband, Mr. Josiah Whitcomb, Mrs. SOPHIA WHITEHEAD, in the sixty-seventh year of her age.
Her funeral will be given hereafter.

On Tuesday, February 20, 1877, at the residence of her husband, Mr. 320 north Twenty-fourth street, Mrs. VIRGINIA A. wife of Thomas W. Graves, Esq., in the sixty-third year of her age.
Her funeral will take place from her late residence, 320 Franklin street, TO-MORROW (Friday) AT 10 O'CLOCK.

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